



CITY OF FREMONT NEBRASKA

CITY COUNCIL MEETING MINUTES

June 11, 2019

**REGULAR MEETING – 7:00 P.M. STUDY SESSION– 6:30 P.M.
CITY COUNCIL CHAMBERS 400 EAST MILITARY, FREMONT NE**

REGULAR MEETING:

1. Meeting called to order. After Study Session and the Pledge of Allegiance, the Mayor called the meeting of the City Council to order and stated that a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas.
2. Roll call. Roll call showed Council Members McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus and Legband present. Bechtel Absent. 7 Council Members present.
3. Mayor comments
(There will be no discussion from the Council or the public regarding comments made by the Mayor. Should anyone have questions regarding the comments, please contact the Mayor after the meeting)

PUBLIC HEARINGS:

9. Resolution 2019-095 approving regarding a request by Stephen Dodd for a Conditional Use Permit to expand a nonstandard use to allow two houses on a single nonstandard lot to be split into two nonstandard lots located at 315 E. Linden Ave., and 1250 N. D Street. Council Member Jensen moved, seconded by Council Member Jacobus to continue the item to the first Council Meeting in August. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
4. Resolution 2019-092 approving request by Kelly Group Inc. for conditional use permit to expand nonstandard use on property located at 220 North H Street. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Kuhns moved, seconded by Council Member McClain to approve Resolution 2019-092. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
8. Resolution 2019-094 approving request by Tom Thompson for Conditional Use Permit to expand nonstandard use on property located at 1500 Front Street. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Kuhns moved, seconded by Council Member Legband to approve Resolution 2019-094. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
5. Resolution 2019-096 approving request by Anew Development, LLC. for a Comprehensive Plan Amendment to the Future Land Use Map, from Commercial to Residential for approximately 11 acres located at the northwest corner of 29th Street and Yager – Fountain Spring Adult Apartment Properties. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Yerger moved, seconded by Council Member Legband to approve Resolution 2019-096. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus,

Legband. Motion carried.

6. Ordinance 5496 approving request by Anew Development, LLC. for Voluntary Annexation of Lot 2, Fountain Springs 4th Subdivision located at the northwest corner of 29th Street and Yager – Fountain Spring Adult Apartment Properties. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Jacobus moved, seconded by Council Member Legband to introduce Ordinance 5496 and hold first reading. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided first reading.
7. Resolution 2019-093 approving request by Brian Zubert of Eastowne Development, Fremont Health and Signa Properties, for a Conditional Use Permit for a Residential Cluster for a 216 unit apartment complex generally located at the northwest corner of 29th Street and Yager – Fountain Spring Adult Apartment Properties. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Yerger moved, seconded by Council Member McClain to amend the Resolution to change the references of age from 50 to 55+ or over in three instances. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member Jensen to approve the amended Resolution 2019-093. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
10. Public Hearing for Community Development Block Grant – Disaster Recovery Planning Grant for Assessment of Fremont, Farmland and Railroad Levee and reaffirm Resolution 2019-090. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Yerger moved, seconded by Council Member Jacobus to reaffirm Resolution 2019-090. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.

CONSENT AGENDA:

Moved by Council Member Jensen seconded by Council Member Legband to approve items 12 and 14 through 22 of the consent agenda. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.

12. Receive Report of the Treasury
14. Motion authorizing Mayor to sign Deed of Reconveyance, Tacner, 155 Schuyler Avenue
15. Resolution 2019-099 approving Morrow & Associates Agreement
16. Motion to approve excavation/asphalt/concrete license application for Jacob Construction & Excavating
17. Motion to approve request for use of City of Fremont Property and Street Closures by John C Fremont Days Board for annual festival July 12-14, 2019
18. Motion to approve use of John C. Fremont Park for National Night Out
19. Motion to approve use of Ronin Pool by YMCA for FAST practices
20. Motion to approve use of Ruwe Park for Church of Nazarene VBS
21. Resolution 2019-098 to approve Amendment #3 to the Transfer and Recycling Station Contract providing for emergency and post-holiday operating hours
22. Resolution 2019-097 to approve bid from Riekes Equipment Company for a forklift and authorize staff to issue a contract and purchase order for the purchase

ITEMS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION:

11. Motion to approve May 29, 2019 through June 11, 2019 claims and authorize checks to be drawn on the proper accounts. Council Member Jensen moved, seconded by Council Member Legband to receive into the record billing documentation from Getzschman Heating, LLC in the amount of \$1,167.00, potential conflict of Interest Statement, and Contractual Interest Statement. Ayes: McClain, Ellis, Kuhns Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member McClain to approve the expenditure in item number eleven on the agenda. Ayes: McClain, Ellis, Kuhns Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jensen moved, seconded by Council Member Legband to approve May 29, 2019 through June 11, 2019 claims and authorize checks to be drawn on the proper accounts. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
13. Dispense with and approve May 28, 2019 City Council Meeting Minutes. Council Member Jacobus moved, seconded by Council Member Legband to approve both the City Council and CDA minutes. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.

NEW BUSINESS: requires individual associated action

23. Motion to authorize staff to negotiate with MMGA a natural gas supply agreement. Council Member Jacobus moved, seconded by Council Member Kuhns to authorize the negotiation with MMGA. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
24. Council Member Jacobus item - Consider Application to Waive Sewer Connection Fee for 502 Johnson Road. Council Member Jensen moved, seconded by Council Member Yerger to receive a copy of a document into the record. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jensen moved, seconded by Council Member Jacobus to receive document titled "Request for waiver of sewer hookup fee." Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member Jensen to approve the Resolution to waive. Ayes: Ellis, Yerger, Jensen, Jacobus. Nay: McClain, Kuhns, Legband. Motion failed.
25. Resolution 2019-100 Policy for Individual Sewer Connections. Council Member Jensen moved, seconded by Council Member Legband to receive document titled "Request for waiver of sewer hookup fee Alan Fanning Projected costs." Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Yerger moved, seconded by Council Member Jacobus to continue the item at least to the next agenda to give an opportunity to Council to study the aspects of the policy. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus. Nay: Legband. Motion carried.

Moved by Council Member Jensen seconded by Council Member Legband to adjourn the meeting. Ayes: McClain, Ellis, Yerger, Jensen, Jacobus, Kuhns, Bechtel. Motion carried. Meeting adjourned at 10:48 p.m.

I, Tyler Ficken, the undersigned City Clerk, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by the members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that this meeting was preceded by publicized notice in the Fremont Tribune and the agenda, including notice of study session, were displayed in the Municipal Building and distributed to the Mayor and Council on June 7, 2019 and is

open to the public; that all news media requesting notification concerning meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

APPROVED AND ACCEPTED THIS 25TH DAY OF JUNE AS THE OFFICIAL COPY OF THE FREMONT, NEBRASKA CITY COUNCIL MINUTES FOR JUNE 11, 2019.



Tyler Ficken, City Clerk



Scott Getzschman, Mayor